

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 De'Marian A. Clemons,
5 Petitioner
6 v.
7 Gentry, et al.,
8 Respondents
9

2:17-cv-01041-JAD-GWF

Order Extending Time

[ECF No. 12]

10 This is respondents' third request for a time extension to answer pro se petitioner
11 De'Marian Clemons's petition for a writ of habeas corpus under 28 U.S.C. § 2254.¹ The original
12 deadline to respond was November 27, 2017, and was extended 90 days to February 26, 2018.
13 Respondents' counsel represented on both occasions that she had inherited a tremendous case
14 load from retired co-workers, had a preexisting heavy case load, and was still waiting to receive
15 the complete state-court record. I granted her request, but I cautioned her that her workload
16 challenges would likely not warrant a third continuance.

17 Respondents' counsel continues to represent that she has been completely inundated by
18 her immense workload, has not had an opportunity to review the state-court record—which she
19 received three weeks ago—and that she needs 30 more days to answer Clemons's petition.
20 Although I told her that a third continuance on these bases would be unlikely, she represents that
21 at least four of her inherited cases “are significantly older than this one[] and required immediate
22 attention, which [she] did not anticipate at the time of [her] prior request.”² In light of these
23 unanticipated challenges, I find that respondents' third request is made in good faith and not
24 solely for the purpose of delay.

25 Accordingly, good cause appearing, IT IS HEREBY ORDERED that respondents'

26
27 ¹ See ECF Nos. 7 (first request), 9 (second request), and 12 (third request).

28 ² ECF No. 12 at 3.

1 motion for an extension of time (third request) **[ECF No. 12] is GRANTED.** Respondents now
2 have **until March 28, 2018, to answer Clemons's petition.** Counsel is advised, however, that I
3 **will NOT grant a fourth continuance absent EXCEPTIONAL circumstances.**

4 DATED: March 1, 2018.

5 
6 U.S. District Judge Jennifer A. Dorsey